

	SECTION:	OPERATIONS	OPR-214
	CHAPTER:	ARREST-SEARCH AND SEIZURE	
	DIRECTIVE:	ARREST ALTERNATIVES	

214.01 SUMMARY

An Officer often has alternatives to making an arrest, depending on the circumstances. This directive outlines the arrest alternatives an Officer has. Department policy is to use an arrest alternative whenever appropriate.

214.02 DEFINITIONS

ARREST – Although there is no legal definition of arrest, the Department generally considers the following an arrest:

- The Officer detains a person by physical force, coercive verbal commands, or creating circumstances that a reasonable person believes he/she is under arrest, and/or is not free to leave,

OR

- The Officer detains a person for longer than is needed to conduct an initial investigation following a stop or acts in a way that exceeds the authority to stop or that is usually associated with arrest,

OR

- The Officer transports a person, without consent, to a different location, unless the reason for transportation is Officer safety or a line-up by a seriously injured victim.

DETENTION – Temporary contact with a person. May be for the purpose of investigation or in the case of juveniles, for the purpose of disposition.

214.03 ARREST ALTERNATIVES

1. **Detention** – Generally used in cases involving a juvenile waiting for disposition (acceptance by a juvenile holding facility or release to parents, relatives or a responsible adult).
2. **Summons and Complaint** – For a misdemeanor or petty offense that occurred in the Officer’s presence or when the Officer has probable cause to believe the subject committed the crime.

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3. **Felony Summons** – For a Class 4, 5, or 6 felony violation not committed in the Officer's presence or that is not in a category for which the Officer can make an immediate arrest. The Officer requests the District Attorney to issue a felony summons rather than an arrest warrant. If the Officer believes that the suspect is unlikely to obey the summons or the suspect's location is unknown, the Officer may request the issuance of an arrest warrant.
4. **Penalty Assessment** – For a Class 2 petty offense.
5. **Written Warning** – At the Officer's discretion, for a traffic violation when no accident occurred.
6. **Verbal Warning** – For minor violation of municipal ordinance or traffic law.
7. **Outside Referral** – The Officer may refer the subject to another agency if an arrest is not required and the Officer chooses not to use Arrest Alternatives 1, 2, or 3 above.
8. **Informal Resolution** – When all parties involved indicate a desire to handle the incident among themselves, the Officer may use this alternative, as long as there is no other requirement of law or policy.

